



U.S. Department of Justice

United States Attorney
Southern District of New York
86 Chambers Street, Third Floor
New York, New York 10007

May 30, 2019

SO ORDERED:

HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

Clerk of the Court requested to terminate the motion (doc. 31).

BY ECF & FAX

Hon. Nelson S. Román
United States District Court
300 Quarropas Street
New York, New York 10007

Re: *United States v. Ginsburg Development Companies*, 16 Civ. 7301 (NSR)(LMS)

Dear Judge Román:

We represent the United States (the "Government"), the plaintiff in the above-referenced Fair Housing Act ("FHA") case. We write respectfully—on behalf of both the Government and defendant Ginsburg Development Companies ("GDC")—to request dismissal without prejudice of the above-referenced action.

Paragraph 2 of the Stipulation of Settlement, which was entered into by the Government and GDC on April 11, 2018, *see* Dkt. No. 29, provides as follows:

No later than 60 days from the entry of this Stipulation and Order, the United States and GDC shall submit a joint status letter to the Court to indicate whether the requirements of paragraphs 3-4, 7-8, 27-31, 38-39, 40, and 45 of the Settlement Stipulation have been implemented. In the event that the joint status letter submitted by the United States and GDC indicates that the implementation of those requirements has been completed, this Action shall be dismissed without prejudice to reinstatement upon the application of any party in the event of a breach of the provisions of the Settlement Stipulation, provided that such application is made within one year following the entry of this Stipulation and Order.

GDC submits, and the Government concurs, that the requirements of paragraphs 3, 4, 7, 8, 27, 28, 29, 30, 31, 38, 39, 40, and 45 have been implemented. Accordingly, the period of time in which this Action may be reinstated has now ended. The parties did not file the required status letter within 60 days, and regret any inconvenience to the Court arising from that failure.

Under the terms of the Stipulation and Order, this action is now deemed dismissed with prejudice and not subject to reinstatement after April 12, 2021; that is, three years following the entry of the Stipulation and Order. *Id.* ¶ 3.

We thank the Court for its consideration of this letter and the request herein.

USDC SDNY
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Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney
Southern District of New York

By: /s/ Natasha W. Teleanu

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cc: (by ECF & FAX)

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Steven Bagwin, Esq.
Counsel for Ginsburg Development Companies

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No. of pages (including cover sheet): **3**

Date sent: **May 30, 2019**

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To: **Hon. Nelson S. Román**
United States District Judge
Fax No. (914) 390-4179

cc: **Mark Ginsburg, Esq.**
Steven Bagwin, Esq.
Ginsburg & Redmond, P.C.
Fax No. (914) 495-3520

Re: ***United States v. Ginsburg Development Companies,***
16 Civ. 7301 (NSR)(LMS)

Please see attached.

Thank you.